

Croxton, David

From: Wu, Jennifer
Sent: Friday, December 09, 2016 10:13 AM
To: Croxton, Dave; Woodruff, Leigh; Byrne, Jennifer
Subject: ODEQ: ICL Petition on Snake River-Hells Canyon TMDL

Here's some of what Gene forwarded to me as well as what DEQ had said to us last year on the Snake River-Hells Canyon petition.

(b) 5: Attorney Client Privilege

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[Redacted]

From: FOSTER Eugene P <eugene.p.foster@state.or.us>
Sent: Thursday, December 8, 2016 3:07 PM
To: Wu, Jennifer
Subject: RE: ICL Petition on Snake River-Hells Canyon TMDL

Hi Jenny

Thank you for the information. I will review the new information, but as far as our response in 2015, our response would be the same in 2016.

It's a snow day here in Portland!

best
Gene

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: Thursday, December 08, 2016 2:47 PM
To: FOSTER Eugene P
Subject: FW: ICL Petition on Snake River-Hells Canyon TMDL

Hi Gene,

Here's some information on the Idaho Conversation League (ICL_ Petition on the Snake River-Hells Canyon nutrient TMDL. The letter below is ICL's check-in with EPA on the status of any new information we have on the states' work on the TMDL. The original TMDL had language that Oregon and Idaho would be reviewing the progress in 5 years.

The attachments at the bottom are what you and I had written back and forth in 2015. Just checking to see if anything has changed. Thanks, Gene! - Jenny

Regional Administrator McLerran,

I'm writing to inquire about the status of EPA's review of the Mar. 9, 2015 petition I submitted on behalf of my client (the Idaho Conservation League), petitioning EPA to disapprove the Snake River Hells Canyon nutrient TMDL in light of new information. You responded to me by letter dated Apr. 27, 2015, indicating that EPA is carefully evaluating the new information and would later provide a more detailed response.

Please let me know the current status of EPA's review and when we can expect a final response from EPA.

Sincerely,
Bryan Hurlbutt
Attorney for Idaho Conservation League

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Bryan Hurlbutt, Staff Attorney
Advocates for the West
208.342.7024 x206<tel:208.342.7024%20x206>

From: Woodruff, Leigh
Sent: Wednesday, December 07, 2016 1:47 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>; Croxton, Dave <Croxton.David@epa.gov>; Byrne, Jennifer <Byrne.Jennifer@epa.gov>
Subject: RE: ICL Petition on Snake River-Hells Canyon TMDL

FYI –

(b) 5: Attorney Client Privilege

Leigh

Leigh Woodruff, Watershed Unit
U.S. Environmental Protection Agency
950 W. Bannock, Suite 900
Boise, Idaho 83702

PH: 208-378-5774
Fax: 208-378-5744

From: Wu, Jennifer

Sent: Tuesday, March 31, 2015 3:52 PM

To: Croxton, Dave <Croxton.David@epa.gov<mailto:Croxton.David@epa.gov>>; Woodruff, Leigh <Woodruff.Leigh@epa.gov<mailto:Woodruff.Leigh@epa.gov>>; Byrne, Jennifer <Byrne.Jennifer@epa.gov<mailto:Byrne.Jennifer@epa.gov>>

Subject: FW: ICL Petition on Snake River-Hells Canyon TMDL

Here's the response I got from Gene on the Snake River Hells Canyon (cc: to Eric Nigg, the manager of ODEQ's Eastern Regional Office).

From: FOSTER Eugene P [<mailto:FOSTER.Eugene@deq.state.or.us>]

Sent: Tuesday, March 31, 2015 2:43 PM

To: Wu, Jennifer; NIGG Eric

Subject: RE: ICL Petition on Snake River-Hells Canyon TMDL

Hi Jenny

Based on my knowledge, I do not think that Oregon DEQ has received a petition from ICL regarding the SR-HC TMDL.

The SR-HC TMDL is not currently on the schedule for TMDL development. If we took up development of the SR-HC TMDL we would either need more resources or stop working on one or two TMDLs that we are currently developing.

cheers

Gene

From: Wu, Jennifer [<mailto:Wu.Jennifer@epa.gov>]

Sent: Tuesday, March 31, 2015 2:32 PM

To: FOSTER Eugene P; NIGG Eric

Subject: FYI: ICL Petition on Snake River-Hells Canyon TMDL

Hi Gene and Eric,

FYI that Idaho Conservation League (ICL) petitioned EPA on March 9, 2015 to review, disapprove, and revise the Snake River-Hells Canyon TMDL for nutrients (see attached letter). We're in the process of looking at how we'll respond, and I just had a meeting where I was assigned to ask ODEQ a couple of questions.

Some background on the ICL letter, it states that the Snake River-Hells Canyon TMDL was written to address nutrient problems in the summer, but that nutrients are a year-round problem, and therefore the TMDL must be redone. The Snake River-Hells Canyon TMDL was done in 2004 and is now past the 6-year statute of limitations to being challenged. This may be why the petition is in for EPA to review, disapprove, then issue a TMDL. Also, as you probably know, when EPA did Oregon's 2010 list, EPA added nutrients to the 303(d) list for year-round impairments.

So a couple of questions:

1) Do you know if Oregon received a petition from ICL on the Snake River-Hells Canyon TMDL? In talking with Marti Bridges at IDEQ, she said that they hadn't received a petition.

2) Since Gene and I talk about TMDLs in the works regularly and Snake River-Hells Canyon hasn't come up, I'm assuming this isn't on the schedule of TMDLs to be done. Is that correct? Any thoughts or reactions to revisiting the Snake River-Hells Canyon nutrients TMDL? I also know that DEQ is doing a lot of TMDLs and has other TMDL work planned for the future so am not trying to imply that SR-HC TMDL take precedence over other work.

Thanks for your help, and if you have questions, please let me know. Also, feel free to forward to others as needed.

Jenny Wu
USEPA Region 10
Office of Water and Watersheds (OWW-134)
Environmental Engineer, Watershed Unit
1200 6th Avenue, Suite 900
Seattle, WA 98101
(206)553-6328